

REMARKS

Claims 1-74 are currently pending in this application. By this Amendment, no claims are cancelled, claims 28 and 65 are amended (merely to add a period at the end of each said claim), and no new claims are added. Applicants aver that no New Matter is introduced hereby.

Entry and favorable consideration of this Amendment is earnestly solicited so that the claimed subject matter hereof may timely pass to issuance as U.S. Letters Patent.

Claims Rejections under 35 U.S.C. §102 and §103

All pending claims stand rejected as either allegedly anticipated by a published U.S. patent application having publication number 2003/0149450 to Mayberg (Mayberg) or allegedly rendered unpatentable over Mayberg in view of published U.S. patent application having publication number 2004/0073197 to Kim (Kim) OR published U.S. patent application having publication number 2001/0027309 to Elsberry (Elsberry) OR published U.S. patent application having publication number 2001/0037083 to Hartlaub et al. (Hartlaub).

Applicants respectfully traverse the rejections.

Specifically, Applicants tender herewith an executed Declaration of first-named inventor Keith R. Hildebrand including appended Exhibit 1 antedating the primary reference, Mayberg, which thus traverses all the proposed rejections of claims 1-74.

Conclusion

In view of the foregoing, it is believed that the application is now in condition for allowance and Applicant(s) respectfully request the Examiner to issue a Notice of Allowance in due course so the instant invention can pass to timely issuance as U.S. Letters Patent.

The Examiner is invited to contact the undersigned with any questions regarding this application

Respectfully submitted,

Date: June 8, 2006

/Paul H. McDowall/

Paul H. McDowall

Registration No. 34,873

Medtronic, Inc.

Telephone: (763) 514-3351

Facsimile: (763) 514-6982

Customer No. 27581